

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CASE NO. 1:15CV23

United States of America,

Plaintiff,

v.

318 Jody Street, East Flat Rock,
Henderson County, North Carolina,
as described in Deed Book 851 at
Page 485 in the Henderson
County Registry, being real property,
approximately .34 acres, together
with the residence, and all
appurtenances, improvements, and
attachments thereon;

Lot Number 60 Jody Street, East Flat
Rock, Henderson County, North
Carolina, as described in Deed Book
900 at Page 554 in the Henderson
County Registry, being real property,
approximately .18 acres, together
with the residence, and all
appurtenances, improvements, and
attachments thereon;

Lot Number 61 Jody Street, East Flat
Rock, Henderson County, North
Carolina, as described in Deed Book
900 at Page 554 in the Henderson
County Registry, being real property,

**CONSENT ORDER FOR
THIRD PARTY PETITIONS**

**approximately .31 acres, together
with the residence, and all
appurtenances, improvements, and
attachments thereon;**

**906 Holmes Street, Hendersonville,
Henderson County, North Carolina,
as described in Deed Book 416 at
Page 373 in the Henderson County
Registry, being real property,
approximately .34 acres, together
with the residence, and all
appurtenances, improvements, and
attachments thereon;**

Defendants.

THIS MATTER is before the Court pursuant to 18 U.S.C. § 983(d) and Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Rule G, and by consent of the United States of America, by and through Jill Westmoreland Rose, United States Attorney for the Western District of North Carolina; Claimant Vivan Hunt ("Vivian Hunt"), Claimant Harvey Hunt ("Harvey Hunt"), and Claimant Veronica Quick, through counsel (collectively, "Claimants"). The Government and Claimants have consented to this Consent Order for Third Party Petitions as a final adjudication and settlement of all matters between Claimants and the Government with regard

to all of the following property identified in the Complaint for Forfeiture *In Rem*

("the Properties"):

318 Jody Street, East Flat Rock, Henderson County, North Carolina, as described in Deed Book 851 at Page 485 in the Henderson County Registry, being real property, approximately .34 acres, together with the residence, and all appurtenances, improvements, and attachments thereon;

Lot Number 60 Jody Street, East Flat Rock, Henderson County, North Carolina, as described in Deed Book 900 at Page 554 in the Henderson County Registry, being real property, approximately .18 acres, together with the residence, and all appurtenances, improvements, and attachments thereon;

Lot Number 61 Jody Street, East Flat Rock, Henderson County, North Carolina, as described in Deed Book 900 at Page 554 in the Henderson County Registry, being real property, approximately .31 acres, together with the residence, and all appurtenances, improvements, and attachments thereon (318 Jody Street, Lot 60, and Lot 61 are collectively identified herein as "the 318 Jody Street Properties");

906 Holmes Street, Hendersonville, Henderson County, North Carolina, as described in Deed Book 416 at Page 373 in the Henderson County Registry, being real property, approximately .34 acres, together with the residence, and all appurtenances, improvements, and attachments thereon (identified herein as "the 906 Holmes Street Property").

The parties have **STIPULATED AND AGREED** and the **COURT FINDS AS FOLLOWS:**

1. Claimants have filed Claims (Doc. 4) and Answers (Docs. 21, 22, and 23) in which each Claimant asserts an interest in one or more of the Properties. Counsel have met, discussed the Claims, and discussed related state court felony and misdemeanor convictions of Claimant Harvey Hunt, Claimant Vivian Hunt, and others. Further, counsel have conferred on possible title problems related to final forfeiture of the 906 Holmes Street Property. Finally, counsel for Claimants has discussed and obtained appropriate conflict waivers as to any conflicts that may arise among Claimants. Based on that background, the Government and Claimants enter into the agreements set forth herein.

2. Claimants stipulate and agree that the 318 Jody Street Properties are subject to forfeiture based on the allegations set forth in the Complaint, and Claimants agree and consent to final forfeiture of the 318 Jody Street Properties. The Government agrees that, upon conclusion of this case, the United States Marshals Service shall sell the 318 Jody Street Properties in a commercially reasonable manner via a realtor, online or other auction, or other means, and shall not exclude any of Claimants' family

members, except for Harvey Hunt, Vivian Hunt, and Dorothy Hunt, from making an offer or bid to purchase the 318 Jody Street Properties. The Government also agrees that, pursuant to this Consent Order, this Court may dismiss the 906 Holmes Street Property from this action, without prejudice to any future forfeiture action should Claimants or anyone else conduct any criminal activity related to the 906 Holmes Street Property that merits forfeiture. Claimants, in turn, agree to immediately prevent and report any and all illegal activity by any person at the 906 Holmes Street Property and at the 318 Jody Street Properties and to maintain appropriate safeguards against such activity, including but not limited to evicting any tenant, resident, or visitor to the 906 Holmes Street Property or 318 Jody Street Properties who engages in any illegal activity whatsoever.

3. The dismissal of the 906 Holmes Street Property shall be in full settlement and satisfaction of all claims by Claimants to the Properties. Claimants understand and agree that the United States reserves the right to terminate the forfeiture action at any time. The Government and Claimants waive any rights to further litigate between each other in this forfeiture action to the Properties and agree that this Consent Order for Third Party Petitions shall be in full settlement and satisfaction of all claims between

Claimants and the Government in this action to the Properties and all claims between Claimants and the Government resulting from the incidents or circumstances giving rise to the forfeiture of the Properties. Unless specifically directed by an order of the Court, Claimants shall be excused and relieved from further participation in this action.


4. Finally, the Government agrees that Claimants may continue to occupy the Jody Street Properties until March 31, 2017, after which time they must vacate the Jody Street Properties within seven days written notice from the United States Marshals Service. However, this concession by the Government that Claimants may continue to occupy the Jody Street Properties until March 31st shall be null and void if (1) any individual is charged in state or federal court with a misdemeanor or felony crime that occurs on the Jody Street Properties after the date of Claimants' signatures on this Consent Order or (2) the Claimants fail to reasonably care for the Jody Street Properties.

IT IS THEREFORE ORDERED THAT:

1. Based upon the stipulations of the parties herein, the Claims to the 318 Jody Street Properties are hereby stricken with prejudice and the 906 Holmes Street Property is dismissed from this action.

2. The Government and Claimants shall bear their own costs, including attorneys' fees.

Signed this 13 day of March, 201⁸.


HON. MARTIN K. REIDINGER
UNITED STATES DISTRICT JUDGE

ON MOTION OF AND BY CONSENT OF THE PARTIES:

JILL WESTMORELAND ROSE
UNITED STATES ATTORNEY

Ben Bain - Creed
Benjamin Bain-Creed
Assistant United States Attorney

Dated: 3/10/17

HARVEY HUNT

Harvey Hunt
Harvey Hunt

Dated: 12/22/16

Michael Edney
J. Michael Edney, Esq.
Attorney for Harvey Hunt

Dated: 12/28/16

VIVIAN HUNT

Vivian Hunt
Vivian Hunt

Dated: 12/22/16

J. Michael Edney
J. Michael Edney, Esq.
Attorney for Vivian Hunt

Dated: 12/28/16

VERONICA QUICK

Veronica Quick
Veronica Quick

Dated: X 3-5-17

J. Michael Edney
J. Michael Edney, Esq.
Attorney for Veronica Quick

Dated: 3-9-17